

THE

REHEARSAL.

1. The *Observator* tempts me to stay longer with him. He will not let me go to Mr. *Hoadly* yet. But 'tis all one.
2. He Complains to the *Publick* of me, for not *Answering* his *Argument* to Prove that the two *Houses of Parliament* are *Co-ordinate* with the *King* in making of *Laws*.
3. All which I *Answer'd* long ago in the *Sluce* and the *Mill*. It is further shew'd, That they cannot be *Co-ordinate*.
4. The *Observator's* Interpretation of, *The King can do no Wrong*, Proves directly against it. *Bracton's* Interpretation of it.
5. There's no *Law* in *England* before the *King*.
6. Nor in the *World*. Which the *Review* has *Own'd*.
7. A new *Argument* just now sent to the *Observator* in a *Letter*, that the *Laws* against *Coercion* are *Repeal'd*, which I particularly *Answer'd* in mine of the 10th of *March* last.
8. The *Statute 12 Car. 2. c. 30.* which above all others the *Coercion-men* wou'd have to be *Repeal'd*, is now *own'd* as *Law* in *Westminster-Hall*, by *Queen* and *Parliament* and the whole *Nation*. And Read by the *Clergy* in our *Churches*, even since the *Revolution*.

SATURDAY, October 9. 1708.

(1.) *Country-man.* **L**ET me beg your Patience, Master, to say a Word or two more to the *Observator* we were last upon, *Num. 57.* for tho' I know you are Tyr'd of him, and you were saying you Intended to go to something else. Yet it may be of use to Clear every thing he says, before you leave him.

Rehearsal. I comply with you the more Willingly, *Country-man*, because Answering one *Whigg* is Answering them all. For they have all but one *Note*, like the *Spring Bird*. I had some Business with Mr. *Hoadly*, to whom I promis'd to Return soon, but have been thus long Detain'd by Mr. *Observator*, who is such Excellent Company, it is hard to get from him! And yet I have not been far from Mr. *Hoadly* all this while. For Mr. *Hoadly*, or Mr. *Observator* (upon this Argument) are much at one.

(2.) *Country-m.* Then, Master, this same *Observator*, *N. 57.* Complains Grievously of you, and Appeals to the *Publick* against you, that you will not *Answer* him. He says, *I hope the Publick will Excuse me to put them in Mind* (for *I doubt not the Rehearsal* wou'd willingly have it forgotten) *That on Saturday the 17 of August last, I fully Prov'd* against him, that our *Lords and Commons* have a *Joint Authority* with our *Kings* in making of *Laws*; and that without their *Concurrence*, our

Princes can make none of themselves. To which I have Receiv'd no Answer.

(3.) *Rehearsal.* He means since he Wrote it. But it was fully *Answer'd* before. Has he forgot the *Sluce* and the *Mill*? It is in Mine of the 12 *June* last; And I'll still Refer it to any *Miller* in *England*, whether it is the *Sluce* or the *Water* that makes the *Mill* to go? And I will leave it to the *Publick* to Judge, whether every Tittle of what the *Observator* said afterwards, is not there *Answer'd* or *Obviated* beforehand? For I know what they have to say, and they can *Answer* no otherwise than as I have Chalk'd out for them. And they never *Answer* a word to me (the *Observator* has not) only puts the *Objection* over again— And then Complains for want of an *Answer*! Come Mr. *Observator*, have you said any thing to my *Sluce* and my *Mill*? Tell me. I gave you an *Argument* might be *Felt*, you may *See* it with your *Eyes*. Do's the *Sluce* turn the *Mill*, tho' it lets the *Water* go that do's Turn it? And tho' the *Sluce* and the *Water* are *Joint* in this, yet they are not *Co-ordinate*. As I say the two *Houses of Parliament* are not with the *King* in making of *Laws*, tho' they go *Jointly* together. But they Cannot be *Co-ordinate*, because Whatever *Authority* the *Parliament* has is *Deriv'd* wholly and solely from the *Crown*. And the *Power* that is *Deriv'd* can never be upon the *Level* with That

that from which it is Deriv'd. Both *Houses* of *Parliament* call the *King* their *Sovereign Lord*, and stile Themselves his *Most Dutiful and Obedient Subjects and Servants*, and Swear Allegiance to Him. Do's he Swear Allegiance to Them? Is *Sovereign* and *Subjects*, *Master* and *Servants* the *Style* of *Co-Ordinate Powers*? Mr. *Observator*, I shall Complain to the *Publick* if you do not *Answer* this.

(4.) *Country-m.* He has *Answer'd* it already, for in the same *Observator*, he says, *Our Kings have no Power but what the Law gives them; and therefore it is Justly said, they can do no Wrong.*

Rehears. Justly said! No, Mr. *Observator*, it is most *Unjustly* said, as you mean it, and the *Consequence* turns Directly against the *Sense* you put upon this. For if the *King* has no *Power* but what the *Law* gives him, *Therefore* he may do *Wrong*, and is *Accountable* to the *Law*. But if the *King* derive his *Authority* from *God* alone (as our *Laws* speak, which I have Quoted) that *Maxim* of our *Law*, *That the King can do no Wrong*, *Means* only, *That he is not Accountable to us for any Wrong he do's*. And is of the same Import with that of *Eccles. viii. 4. Where the Word of a King is, there is Power: and who may Say unto him, What doest thou?* That is, he has no *Controuler* upon *Earth*. The *Cafe* is put Directly by *Braffon* (as I have Quoted him before) *That the King do's do Wrong*, and will not *Amend* that *Wrong*, for all the *Supplications* and *Remonstrances* can be made to him: And even in that *Cafe* his *Determination* is, *Sufficit ei pro Fæna, &c.* *That it is Sufficient Punishment to him, that he is to Expect God to be an Avenger, for he has no Superior upon Earth.* This was his *Notion* of that *Maxim*, *That the King can do no Wrong*.

(5.) *Country-m.* But what say you to the first part of the Assertion, that *Our Kings have no Power, but what the Law gives them?*

Rehears. What *Law* does he mean? If he means the *Law of God*, I agree with him: But if he means the *Municipal Laws of England*, I desire him to shew me those *Laws*. The first in our *Statute-Book* is *Magna Charta*. Which is Nothing but a *Charter* from the *King*. But being *Confirm'd* by several *Acts of Parliament* afterwards, it passes as a *Law*. And I wish it were *observ'd*. But this *Charter* did not make the *King*, for the *King* made it; and that of his own *meer Will and Pleasure*, as the *Charter* Speaks.

(6.) Then if you go higher, to the *Original of Laws and Parliaments in the World*, I desire to know that *Parliament*, which made the first *King* in the *World*, and in whose *Name*, and by what *Authority* that *Parliament* was call'd? This is a *Question* I have often Ask'd the *Observator* your *Predecessor*, but could never have an *Answer*. Should not I complain to the *Publick* of this? The *Review* indeed fairly own'd it was not to be *Answer'd*. And that all the *Schemes* built upon it would not hold *Water*. And therefore gave them all up. Tho' like a true *Whigg*, he Sticks to all the *Consequences* of them

Still! For a *Whigg*, tho' he gives *Ground*, is not to be *Conquer'd*!

(7.) *Country-m.* But, *Master*, there is just now come to me by the *Post*, the *Observator* of the 8. last Month, *Num. 59.* Wherein are two *Brave Letters* sent to him, for which he is very *Joyful*, and Prays the *Authors* to Continue to Help him against the *Rehearsal*. Have you *Answer'd* these *Beforehand* too? Let me put them to you. One is, I Suppose, from some young *Whigg-Lawyer*, who shrewdly observes, That the *Declaration* in the *Act of Uniformity* requir'd to be *Subscrib'd* by the several *Persons* therein *Specify'd*, Of its not being *Lawfull* on any *Pretence* to take *Arms* against the *King*, &c. is *Repeal'd* by the *Act i Will. and Mary.* And then he leaves it to the *Consideration* of the *Observator*, Whether all other *Acts* against *Coercion*, are not hereby *virtually Repeal'd*, tho' not *particularly Repeated*?

Rehears. I have *Answer'd* this *beforehand* too. As you will see Vol. 2. N. 44. Where after setting down several *Acts of Parliament* against *Coercion*, I foresaw this *Objection*. And the *Observator* or his *Letter-Writer* (if they pretend to *Answer* me) should have said something to that *easy Solution* I there give, before they had *Trumpt* up this *Objection* again. But this is their way, and I cannot help it. But I can ease the Reader from the *tediousness* of *Repetitions*. I dare not make so bold as the *Observator*. I want not matter to make out a *Paper*.

(8.) *Country-m.* Then let me come in for a *Stroke Master*.

In *Easter Term* of the 2d year of her present Majesty's Reign, one *Taylor a Tanner* in *Southwark* was *Fin'd 40 Mark*, and *Sentenced* to stand twice in the *Pillory*, for the following *Words*, *King Char. I. was well Serv'd in having his Head cut off, and 'tis Pitty his two Sons K. Char. II. and K. Jam. II. were not Serv'd too.* After the *Cafe* was fairly *Argvd*, between the *Council* for the *Queen* and that for the *Defendant*; my *Ld. C. J. Hok* declar'd, that tho' the *Words* were spoke of *Dead Kings*, yet this *Doctrin* affected the *Living*, and doth not this, said he, *Justify* that *horrid Tenet* of *Murdering of Kings*? He then order'd that *Statute of 12 Car. II.* to be *Read*, whereby the 30th of *January* is made a *perpetual Fast*, &c. From whence he Infer'd that the *Principles* which *Prompted* the *Defendant* to speak these *Words* are *Condemn'd* by that *Statute*. These *Principles* (said another *Judge* upon the *Bench*) have *overturn'd* one *Government* already, and ther are now a *set* of *People*, whose *Doctrin* it is, that ther is a *Power* above the *King*, and *Drink a Health* to our *Sovereign Lord the People*.

All this (and more) a *Friend* of mine took down in his *Pocket-Book*. But the *Observator* has *Excepted* against *Westminster-Hall*? Well then, he must except against *Queen* and *Parliament* too! For why do they keep the 30th of *January*, if the *Statute* which *Enjoyns* it be *Repeal'd*? (As the *Observator* is *Labouring* to *Prove*!) Why wou'd the *Clergy* read it in our *Churches*?